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PATENT APPLICATION



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Monte Bruce WILSON

Appln. No.: 09/830,187

Confirmation No.: 2958

Filed: June 25, 2001

For: STABLE COMPOSITIONS OF LIQUEFIED REFRIGERANT AND UV DYE

Group Art Unit: 1751

Examiner: HARDEE, JOHN

#18
YMT
9-17-03

APPELLANTS' REPLY BRIEF UNDER 37 C.F.R. § 1.193(b)(1)

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 1.193(b), Appellant respectfully submits this Reply Brief in response to the Examiner's Answer dated July 11, 2003. Entry of this Reply Brief is respectfully requested.

POINTS RAISED IN EXAMINER'S ANSWER

The fundamental flaw in the Examiner's final rejection of claims 2, 3, 5, 7, 11-13 and 15 is clearly revealed in the Examiner's Answer, where his analysis is based on a misinterpretation of express claim terms and a failure to consider the claim as a whole.

The Examiner Has Misinterpreted The Meaning of "Cylinder"

Claim 13 uses the term "pressurized cylinder" to define the invention. Finding no such "cylinder" in the prior art, the Examiner redefines the Appellant's invention to encompass "cylindrical-shaped" objects like pipes or compressors as meeting the claim limitation to "a pressurized cylinder." The Examiner goes far beyond giving terms their broadest reasonable meaning, and establishes his own claim language to justify a rejection on wholly inadequate prior art.

The specification states by way of background at pages 7-8 that refrigerant is supplied in pressure vessels that are “able to withstand the vapour pressure of the refrigerant at normal ambient temperatures, and are commonly referred to as “gas cylinders.” (emphasis added) The vessels have a valve and are filled with the refrigerant and dye stuff for delivery to a system manufacturer or service provider. The manufacturer or service provider will connect the pressurized “cylinder” to the system for charging. The pressurized “cylinder” clearly is not part of the system.

All of the claims recite the use of such “cylinder.” Appellant clearly has used such conventional meaning in the art to define his invention as a vessel. Applicant has not used the term “cylinder” in a broader sense to relate simply to a shape of a component of a system.

The Examiner has not identified any “gas cylinder” or pressure vessel in the prior art. The Examiner has simply noted at page 3 of the Answer, without even a citation to a specific teaching, that “both pipes and compressors, essentially parts of refrigerating systems, are cylindrical.” The Examiner states at page 7 of the Answer that “the cylindrical parts of any and every refrigeration system meet the recited limitation of a pressurized cylinder.” The Examiner continues by simply dismissing the Appellant’s argument that the prior art does not teach a storage vessel that contains the mixture in static form, and finds that this has not been claimed.

Appellant respectfully submits that the Examiner is wrong because the clear meaning of “pressurized cylinder” on the basis of the Appellant’s definition of “gas cylinder” in a conventional sense, as a pressure vessel, precludes generally cylindrical shaped parts of a system.

The Examiner Has Ignored the Combination of All Claim Terms

The Examiner incorrectly observes at page 7 that “the crux of the issue is whether or not a refrigeration system meets the limitations of a ‘pressurized cylinder’.” This statement reveals a further flaw in the Examiner’s analysis, that is, his failure to consider the invention as a whole, as defined by a combination of all of the express terms of the claim.

The claim clearly relates to a “containerized refrigerant product” that comprises a “pressurized cylinder” that holds a “liquefied refrigerant composition disposed in said cylinder.”

This combination of terms, particularly based on the term “containerized,” clearly defines a cylinder that is a “container.” Nothing else can reasonably be understood by one skilled in the art. The Webster’s Collegiate Dictionary (Tenth Edition) defines “containerized” as “to pack in containers.” The term “container” is defined as a “receptacle (as a box or jar) for holding goods.” Clearly, the meaning relates to a holder for goods (or refrigerant) and not an entire system. The claim to a “containerized refrigerant product” having as one component a “pressurized cylinder” clearly cannot relate to an operational system.

In sum, on the basis of the foregoing, Appellants respectfully submit that all of the pending claims are patentable over the prior art. The present invention is concerned with the separate bulk storage of the refrigerant composition before it is added to an individual refrigerant system. Applicant clearly is claiming a static or stationary bulk storage system for storing a refrigerant containing a dye in a particularly advantageous form. The prior art does not teach any cylinder or vessel that contains the mixture in a static form, as a “containerized refrigerant product”. No prior art reference recognizes the problem that the Applicant has solved, and certainly none teaches Applicant’s solution.

For the above reasons as well as the reasons set forth in Appellant’s Brief on Appeal, Appellant respectfully requests that the Board reverse the Examiner’s rejections of all claims on Appeal. An early and favorable decision on the merits of this Appeal is respectfully requested.

The present Reply Brief is being filed in triplicate.



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q63960

Monte Bruce WILSON

Appln. No.: 09/830,187

Group Art Unit: 1751

Confirmation No.: 2958

Examiner: HARDEE, JOHN

Filed: June 25, 2001

For: COMPOSITION AND METHOD FOR DETECTING LEAKS IN HERMETIC
REFRIGERANT SYSTEMS

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REQUEST FOR ORAL HEARING

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

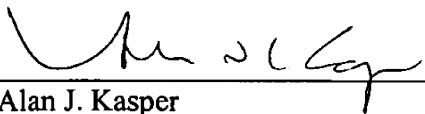
Sir:

Appellant hereby requests an Oral Hearing in the above-identified application before the Patent and Trademark Office Board of Patent Appeals and Interferences.

A check in the amount of \$140.00 for requesting an Oral Hearing is attached. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this sheet is attached.

Respectfully submitted,

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WASHINGTON OFFICE

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CUSTOMER NUMBER

Date: September 11, 2003

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